(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.2667 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri M.S.Mohite for the petitioner.

Shri V.A.Thorat, Advocate General with Shri D.S.Mhaispurkar, APP for respondents.

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CORAM: R.M.S.KHANDEPARKAR
&
P.V.KAKADE, JJ

DATED: 17th February, 2005.

P.C.

. We have perused the copies of the materials collected against the petitioner in the course of investigation carried out by the investigating agency at Karveer Police Station, Kolhapur, in relation to the C.R.No.39 of 2004 registered at Karveer Police Station, Kolhapur. After hearing the parties, the learned APP, on taking instructions, has stated that based on the materials so far collected and which are disclosed to the Court, the respondents do

not intend to apply the provisions of Maharashtra Control of Organised Crime Act, 1999 (MCOC Act) to the petitioner, unless and until further materials disclosing the link of the petitioner in the illegal activities relating to the adulteration of petroleum products are revealed to the respondents.

2. Perusal of the records in relation to the materials stated to have been collected against the petitioner in the course of investigation in relation to the C.R.No.39 of 2004 registered at Karveer Police Station, Kolhapur, apparently does not disclose any material showing involvement of the petitioner in any activities of adulteration of petroleum products, and the investigation merely reveals the purchase and selling of the bleaching powder or bleaching earth by the petitioner. Being so, while accepting the said statement made by the learned APP on behalf of the respondents, the learned Advocate for the petitioner has fairly stated that, in the circumstances, the petitioner does not press for any relief in the matter. The learned APP at the same

time has stated that the petitioner would be required for interrogation for which the learned Advocate for the petitioner submits that the petitioner shall render necessary co-operation to the police authority in that regard whenever required by the investigating agency and has further pointed out that the conditions in that regard have already been imposed on the petitioner while granting the anticipatory bail in his favour.

3. In the facts and circumstances of the case, nothing survives in the matter, and therefore, while accepting the said statement made by the learned APP on behalf of the respondents, the petition is disposed of as not pressed for.

(R.M.S.KHANDEPARKAR, J)

(P.V.KAKADE, J)